

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----	X	
EM LTD. and NML CAPITAL, LTD.,	:	
	:	
Plaintiffs,	:	08 Civ. 7974 (TPG)
	:	
v.	:	
	:	
THE REPUBLIC OF ARGENTINA and BANCO DE LA	:	
NACIÓN ARGENTINA,	:	
	:	
Defendants.	:	
-----	X	
EM LTD.,	:	
	:	
Plaintiff,	:	03 Civ. 2507(TPG)
	:	
v.	:	
	:	
THE REPUBLIC OF ARGENTINA,	:	
	:	
Defendant	:	
-----	X	
	:	03 Civ. 8845 (TPG)
NML CAPITAL, LTD.,	:	05 Civ. 2434 (TPG)
	:	06 Civ. 6466(TPG)
Plaintiff,	:	07 Civ. 1910 (TPG)
	:	07 Civ. 2690 (TPG)
v.	:	07 Civ. 6563 (TPG)
	:	08 Civ. 2541 (TPG)
THE REPUBLIC OF ARGENTINA,	:	08 Civ. 3302 (TPG)
	:	08 Civ. 6978 (TPG)
Defendant.	:	09 Civ. 1707 (TPG)
	:	09 Civ. 1708 (TPG)
-----	X	

**DECLARATION OF CARMINE D. BOCCUZZI**

Pursuant to 28 U.S.C. § 1746, Carmine D. Boccuzzi declares as follows:

1. I am an attorney admitted to practice before this Court and a partner at Cleary Gottlieb Steen & Hamilton LLP, counsel for defendant the Republic of Argentina (the

“Republic”) in these matters. I submit this declaration on behalf of the Republic in support of its July 30, 2010 motion to vacate the 2010 Orders and in opposition to plaintiffs’ motions (i) to confirm the 2010 Orders; (ii) for reconsideration of the Court’s September 30, 2009 decision dismissing the alter ego complaint against Banco de la Nación Argentina; and (iii) to amend the alter ego complaint.

2. Attached to this declaration as Exhibits A-O are true and correct copies of the following documents:

<u>Ex.</u>	<u>Document</u>
A	October 19, 1994 Fiscal Agency Agreement (excerpt)
B	January 6, 1997 Prospectus for Bond US040114AR16 (excerpt)
C	January 22, 1997 Prospectus Supplement for Bond US040114AR16 (excerpt)
D	January 30, 1997 Global Note for Bond US040114AR16 (excerpt)
E	September 12, 2008 <i>Ex Parte</i> Attachment Orders and Restraining Notices
F	September 25, 2008 Garnishee Statement of BNY, New York Branch
G	September 26, 2008 Letter of K. Sywak to Plaintiffs’ Counsel
H	October 28, 2008 Declaration of Rodolfo Ariel Blasco
I	October 31, 2008 Memorandum of Law of the Republic of Argentina
J	January 16, 2009 Reply Memorandum of Law of the Republic of Argentina
K	October 19, 2009 Letter of D. Hranitzky to the Court
L	November 4, 2009 Letter of R. Cohen to the Court

M May 28, 2010 *Ex Parte* Attachment Orders  
N June 7, 2010 Garnishee Statement of BNA, New York Branch  
O June 11, 2010 Stipulation and Order

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 30, 2010, in New York, New York.

A handwritten signature in black ink, appearing to be 'CB' with a stylized flourish.

---


CARMINE D. BOCCUZZI

**CERTIFICATE OF SERVICE**

I, Richard V. Conza, an attorney admitted to practice in the State of New York and the Managing Attorney of the firm of Cleary Gottlieb Steen & Hamilton LLP, hereby certify that:

On the 30<sup>th</sup> day of July 2010, I have caused service of the Declaration of Carmine D. Boccuzzi, executed on July 30, 2010, including all exhibits thereto, to be made by Federal Express and by electronic filing with the Clerk of the Court using the CM/ECF System, which will send a Notice of Electronic Filing to all parties with an e-mail address of record, who have appeared and consent to electronic service in this action.

Dated: New York, New York  
July 30, 2010

  
\_\_\_\_\_  
Richard V. Conza